

AO 91 (Rev. 08/09) Criminal Complaint

FILED

January 06, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS**UNITED STATES DISTRICT COURT**for the
Western District of Texas
Pecos DivisionBY: Joseph Hinojos
DEPUTY

United States of America

v.

David Ramirez

Case No. PE: 23-MJ-00014

Defendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 4, 2023 in the county of Pecos in the
WESTERN DISTRICT OF TEXAS, the defendant(s) violated:*Code Section**Offense Description*

8 USC 1324(a)(1)(A)(i)

Transporting Illegal Aliens

8 USC 1324 (a)(1)(A)(v)(I)

Conspiracy to Commit Alien Smuggling

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.MARTIN S
SALISBURY JRDigitally signed by
MARTIN S SALISBURY JR
Date: 2023.01.05
12:57:44 -06'00'*Complainant's signature*

Martin Salisbury Jr.

*Printed name and title*Complaint sworn to telephonically and
electronically signed on this date.
FED.R.CRIM.P. 4.1(b)(2)(A)Date: 01/05/2023City and state: Alpine, Texas*Judge's signature*

Honorable Judge David B. Fannin

United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
Pecos Division

I, Martin Salisbury Jr., being duly sworn, depose and state as follows:

I. PROBABLE CAUSE

1. On January 4, 2023, Texas Highway Patrol (THP) Trooper Sergio Robles was performing traffic duties on U.S. Highway 285, approximately 20 miles south of Fort Stockton, Texas. Highway 285 is a notorious alien smuggling route in which countless failed alien smuggling events have been interdicted over the years. Highway 285 originates near Sanderson, Texas which is approximately 18 miles north of the U.S./Mexico International Boundary at the Rio Grande River. Smugglers favor Highway 285 as the road is near the border where illegal aliens are frequently picked and transported north to Interstate 10 which leads into the United States interior.

2. While patrolling Highway 285, Trooper Robles noticed a dark colored sport utility vehicle (SUV) travelling northbound on the roadway at approximately 55 miles per hour in a 70 mile per hour zone. The slow rate of travel caught Trooper Robles attention as he found it strange that the vehicle was travelling at approximately 15 miles per hour under the speed limit. Individuals engaged in illicit activity will oftentimes display similar driving behavior upon noticing a law enforcement presence in the area. As Trooper Robles maintained a visual observation of the SUV, he noticed that the vehicle continuously straddled the solid white fog line on the shoulder of the roadway. The failure to maintain travel in a single marked lane is a traffic infraction under the Texas Transportation Code. Due to the traffic infraction, Trooper Robles activated his marked service vehicle's emergency lights and signaled the SUV to come to a stop.

3. Once the vehicle had come to a complete stop Trooper Robles approached the vehicle on foot. Upon reaching the vehicle, Trooper Robles noticed that there four individuals within the vehicle; the driver and three passengers. Trooper Robles noticed that two of the passengers were ducking down on the rear passenger floorboard as if they were attempting to conceal themselves. It is extremely common for illegal aliens to display this type of behavior when encountered by law enforcement personnel. Trooper Robles made additional observations in the fact that the three passengers had on camouflage patterned clothing. While not illegal, such type clothing is the typical attire of choice with aliens who have recently transited through the brush on foot. It is extremely common for recent illegal entrants in the Pecos Division to wear camouflage patterned attire as it allows the wearer to blend into the outside environment much easier and avoid visual detection from law enforcement. Finally, Trooper Robles noticed all the three passengers appeared to have soiled clothing and had grass and brush on their clothes. The three passengers also had backpacks and hygiene products in their possession.

4. The totality of these facts led Trooper Robles to believe that the three passengers were illegal aliens and had made a recent illegal entry into the United States. The driver of the vehicle was identified as David RAMIREZ, a United States Citizen. Trooper Robles contacted the Fort

Stockton Border Patrol Station for assistance in the case. Border Patrol Agents arrived on scene a short time later and took custody of the three illegal aliens, all of whom were citizens and nationals of Mexico. Two of the smuggled aliens were determined to be juveniles.

5. Trooper Robles detained RAMIREZ and transported him to a law enforcement facility for routine processing and an interview. During processing, Trooper Robles read RAMIREZ his *Miranda* rights. RAMIREZ indicated that he both understood and waived his right to have legal counsel present prior to any questioning. During a post-*Miranda* interview, RAMIREZ told Trooper Robles that he did not find it to be “an issue” if he was transporting aliens that were “on this side of the border.” RAMIREZ admitted that he lied to his family when he borrowed a relative’s vehicle. This vehicle would be the same one RAMIREZ was operating at the time of his initial encounter with Trooper Robles. RAMIREZ explained that he told his family that he was going to “do a job” in the Del Rio, Texas area and needed the vehicle for this purpose. RAMIREZ’s family members found RAMIREZ’s claim to have plumbing and/or electrical work in the west Texas area extremely surprising given the fact that RAMIREZ is from the Houston, Texas area.

6. During the interview, RAMIREZ gave verbal consent to Trooper Robles to perform a search of his cellular phone. During a search of the device, Trooper Robles noticed that RAMIREZ had been in communication with an individual in the Lubbock, Texas area. Between RAMIREZ and the unidentified co-conspirator, the two planned the pickup and transport of the group of illegal aliens that RAMIREZ was found to be smuggling. Trooper Robles noticed that some of the communication between RAMIREZ and the unidentified co-conspirator were pin drops, which are GPS locations that individuals will send to others to show exactly where they are located. Alien smuggling load drivers frequently use their phones to guide them to pin-dropped locations in order to locate groups of illegal aliens near the U.S./Mexico border. Illegal aliens in the brush will often times provide their location via pin-drop directly to the driver or to a third party who is acting as the “middleperson” between the group and the driver. The use of pin drops is extremely helpful for both the load driver and illegal alien sending the pin drop as groups are most often picked up in extremely desolate and remote areas along the U.S./Mexico border.

6. Based off the aforementioned facts, Trooper Robles arrested RAMIREZ for state human smuggling charges and placed him in the Pecos County Jail in Fort Stockton, Texas. The next morning at approximately 6:30 a.m., I became aware that there had been an alien smuggling event that had taken place in Pecos County approximately 24 hours before. I contacted Trooper Robles and was provided the previously mentioned information. Trooper Robles informed me that RAMIREZ had not yet made his initial appearance in state court for the human smuggling charges but was set to make his appearance at 10:00 a.m. later this morning. Trooper Robles and I agreed that RAMIREZ would be tried for Federal charges in lieu of the state charge and RAMIREZ was turned over to the Fort Stockton Border Patrol Station. RAMIREZ was then processed and transported to the West Texas Detention Facility in Sierra Blanca, Texas pending his Federal charges for alien smuggling.

RAMIREZ was encountered and arrested in Pecos County, which is within the Western District of Texas.

II. CONCLUSION

Based on the facts and circumstances stated above, I submit that there is probable cause to believe that David RAMIREZ has committed a violation of Title 8, United States Code, Section 1324(a)(1)(a)(i), *Transportation of Illegal Aliens* and a violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I), *Engages in Conspiracy to Transport Illegal Aliens*.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

MARTIN S
SALISBURY JR

Digitally signed by
MARTIN S SALISBURY JR
Date: 2023.01.05
13:25:08 -06'00'

Martin Salisbury Jr.
Border Patrol Agent



David B. Fannin
United States Magistrate Judge